

United States Courts  
Southern District of Texas  
FILED

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H00101408

Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
Houston DIVISION

Luh Yu Ren

versus

University of Houston-Victoria

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4:21CV1102  
CIVIL ACTION NO. 460-2020-05743

ORIGINAL COMPLAINT

I am Taiwanese (Chinese), male, and is sixty-eight (68) years old. I began working at the School of Business Administration ("SBA") of the University of Houston-Victoria ("UHV") in 1987 and is the most senior faculty member in the SBA. I received my Ph.D. in 1986 from the Department of Information Systems and Quantitative Science in the College of Business Administration at Texas Tech University with a major in Business Statistic. My primary research is in business statistics, business forecasting, and their applications. My research papers have been published in various refereed journals such as the Applied Econometrics, Asian Academy of Management Journal of Accounting and Finance, Asia-Pacific Financial Market, Benchmarking: an International Journal, Empirical Economics Letter, International advanced Economic Research, International Journal of Applied Economics, International Journal of Statistics and Economics, Accounting, and Finance, Journal of Global Business Development, Journal of American Academy of Business, International Business and Economics Journal, and International Journal of Production Economics, and Managerial Finance, Journal of Strategic Innovation and Sustainability, Model Assisted Statistics and Applications.

I filed my first EEOC complaint in November 2012. My case was dismissed by the court with a summary judgement on 8/19/2019 (Case #: H-17-444). Although opportunities for rebuttal existed, I did not get chance to protest in the designated period since the law firm representing me never informed me of the court's final ruling.

On 9/3/2019, I applied for promotion from Associate Professor to Full Professor at the SBA of UHV. On 10/24/2019, I emailed UHV President Robert Glenn ("President Glenn"), Provost Chance Glenn ("Provost Glenn"), and SBA Dean Colwell ("Dean Colwell") requesting to recuse certain faculty members from participating in evaluating my promotion application and casting their potentially retaliatory votes against me. These faculty members had previously mistreated me and violated my rights as stated in my 2012 EEOC complaints. I also sent confidential reports to the University regarding their academic dishonesty, including their history of repeated cases of plagiarism and false testimony. Provost Glenn replied on the same day that "your (Ren's) request has been received and will be reviewed." However, I received no further correspondence in this regard.

On 10/31/2019, I met with Dean Colwell to stress the severity of the situation and again requested that he recused the faculty members. Instead of providing a resolution, Dean Colwell responded by questioning whether I would be content if the faculty members had filed violation complaints against me. UHV's Faculty Manual requires employees to report violations in good faith. The UH System has a Zero Tolerance Policy to ensure a clean, safe, and fair education environment as well as a conflict of interest policy to prevent retaliatory situations from happening. Despite these policies, Dean Colwell willfully allowed for the foreseen retaliatory votes to impact my promotion application.

On 3/13/2020, the denial of my promotion application was finalized by President Glenn. The obvious retaliatory votes from the faculty members named in my EEOC complaints and other reports contributed greatly to this decision. Every procedure at every stage required by the UHV Faculty Manual for a promotion has been violated or discarded (see Attachment). Under the administration of President Glenn, Provost Glenn, and Dean Colwell, many other SBA faculty members whose credentials and qualifications were less sufficient have received promotions in recent years. In addition to the retaliatory behavior, the denial of my promotion application involved race, sex, nationality, age, and disability discriminations as enumerated below.

- (1) Age discrimination: the promotion policy at the SBA in 2019 specifically requires more PRJ publications from senior faculty members for promotions compared to other faculty members.
- (2) Race discrimination: Dean Colwell, a Caucasian, was hired by President Glenn on 7/15/2019 at full professor rank even though his most recent peer-reviewed journal (PRJ) publication was in 2011. This is contrary to the minimum requirement for promotion to a full professor at the SBA, UHV. As an AACSB accredited SBA faculty, Dean Colwell did not even meet the criteria to be classified as an Academically Qualified faculty member with 3 PRJ publications in 5 years. With 22 qualified PRJ publications to my name at the time of my application, 90% of which I am the first author, I am one of the top research contributors at the SBA. Despite this, the Dean claimed that I was short on research performance and denied my application, while other less qualified faculty members were promoted to full professors though many of their contributions were as third or the fourth authors.
- (3) Retaliation and age discrimination: I reported a younger colleague, Dr. Chen's, acts of plagiarisms to UH Legal Counsel Ms. Bloom and to former Provost Cockrum and President Glenn during a mediation meeting on 2/18/2018. A follow-up report about the incident was included in Dr. Chen's promotion application to Provost Cockrum. Yet, in 2019, President Glenn and Provost Cockrum promoted Dr. Chen to full professor. As stated in my first EEOC complaint, Dr. Chen manipulated my students' data to frame me for his own personal gain. For my promotion evaluation, UHV declined to recuse Professor Chen. Instead, he was appointed as one of the three Promotion Evaluation members at the SBA to evaluate my promotion application materials in 2019 and subsequently cast his vote in opposition to my promotion.
- (4) Retaliation: Two full professors representing the SBA at the University P&T Committee had existing conflicts of interest with me. One was Dr. Chen's co-author, Dr. Metghalchi, who was involved in the same acts of plagiarism as Dr. Chen. Dr. Metghalchi had his lawyer sent me a certified letter threatening a lawsuit on 2/11/2019. UHV did not recuse Dr. Metghalchi from my promotion evaluation. The second professor, Dr. Salazar, was an active administrator for the SBA who was not eligible to join the University P&T Committee and vote on my application. According

to the Faculty Manual, the negative recommendation from the University P&T needed to be sent to the applicant for a rebuttal to the next level in seven (7) business days. I never received the University P&T Committee's recommendation. Via open record request, I finally received it in June of 2020 and found untrue statements included in the recommendation letter. The University P&T falsely claimed that my research had only improved in the last year since 2018. However, from 2015 to 2019, I had 11 PRJ publications, about three times more than the minimum requirement for publications at the SBA. With this taken into consideration, the UHV Grievance Committee substantiated my case with merit on 5/28/2020. Provost Glenn and President Glenn still accepted the negative recommendations and denied my promotion application.

- (5) Sex, age, and nationality discrimination: In 2020, Dean Colwell, Provost Glenn, and President Glenn promoted to full professor Dr. Yang, a younger female professor from Mainland China with fewer PRJ publications than me for the period of 2015-2019. The Dean is responsible for ensuring that three external reviewers are selected and invited. Dean Colwell requested no external reviewer for Dr. Yang's research work even though a minimum of three external reviewer recommendations are required as stated in the UHV Faculty Manual. In contrast, the university turned down my application after requesting and receiving only one external reviewer's positive recommendation.
- (6) Disability: Because of the ongoing discrimination and retaliation by the SBA, UHV, I took FMLA leave in August 2015. I am still seeing a doctor for this matter.

I filed my second complaint to EEOC on 12/23/2020. EEOC issued me the Right to Sue letter on 1/8/2021 (received on 1/16/2021).

(Attachment)

Under UHV Faculty Manual, there are four levels to evaluating my promotion application. Violations occurred at every level as follows:

- (1) Level I---Evaluation under SBA Promotion and Tenure (P&T) Committee composed of all full professors at SBA:

Once I filed my application in October of 2019, I requested the Provost (the Vice President of Academic Affairs) and the Dean of the Business School to recuse some full professor faculty members from voting on my promotion application due to existing conflicts of interest. Many of them had been named in my reports to the School and the University regarding plagiarism, in my 2012 EEOC complaint, and in my first lawsuit. The Provost assured me that he would do something about it, but did not follow through. Without recusing those full professors with existing conflicts of interest, the vote stood at 11 to 4 against my promotion.

- (2) Level II---Dean's recommendation based on SBA P&T and three external reviewer's recommendations:

According to the faculty manual, every promotion application requires three external reviewers. The Dean is responsible for ensuring that three external reviewers are selected and invited. In my case, the Dean sent out invitations to only one external reviewer. Despite receiving positive comments from the external reviewers on 2/29/2020, the Dean turned down my application on the basis that the other two external reviewers I recommended were not full professors and that I was deficient in all the evaluation aspects: teaching, research, and service. I believe that his judgement is unfair, as at the time of my application I had 22 peer reviewed journal (PRJ) publications whilst other faculty members received promotions despite having only PRJ three or four publications. Also, on 10/30/2019, one reviewer responded within 30 seconds of receiving the Dean's email invitation that he was not a full professor yet and may not have been qualified to review my application. Though Dean Colwell had plenty of time to find replacements between 10/30/2019 and 2/29/2020, not only did he fail to do so, he also used this incident as one of the reasons to deny my application.

In contrast, one female applicant was promoted to full professorship, though her publications were about 1/3 of mine in terms of publication quantity and quality. This faculty member's publications contributions were never sent for evaluation by three external reviewers as required by the Faculty Manual.

- (3) Level III---the University P&T Committee's recommendation:

I never received the University P&T Committee's recommendation. According to the Faculty Manual, any negative recommendation from the University P&T needs to be sent to the applicant for a rebuttal to the next level in seven (7) business days. Via open record request, I finally received it in June 2020 and found that untrue statements had been in the recommendation letter. For instance, the University P&T claimed that my research had only improved in the past one year since 2018. However, from 2015

to 2019 I had 11 PRJ publications, three times more than the minimum requirement for publications at the SBA.

In addition, two full professors at the University P&T Committee had existing conflicts of interest. One professor had been named in my report of plagiarism activities and had sent me a letter via his lawyer threatening a lawsuit. The other professor was a SBA active administrator who should not have been eligible to join the University P&T Committee and vote on my application. The University Grievance Committee substantiated my case with merit and ruled that the two professors should have recused themselves from voting on my application.

(4) Level IV---the Provost's recommendation to the President

After the Provost denied my application on March 12, 2020, I received the President's letter of denial on March 13, 2020. According to the Faculty Manual, the applicant shall have seven (7) business days to request an appeal to the next level of review.